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*Opinion Research &
Public Policy Analysis*

TO: Interested Parties

FROM: Fairbank, Maslin, Maullin & Associates

RE: Analysis of Recent Foothill/Eastern Transportation Corridor Agencies
Survey of Orange County Voters

DATE: November 3, 2005

We have recently reviewed the results of the survey of 1,200 Orange County voters completed by the Foothill/Eastern Transportation Corridor Agencies (TCA) to assess attitudes toward the construction of the Foothill-South Toll Road. Although the survey was conducted in a professional manner by a highly reputable national public opinion research firm, there are serious questions about whether the information that has been publicly released by the TCA provides a full and accurate picture of the survey results¹.

The following are some specific concerns that emerge from our review of the survey results:

- **TCA news releases overstate the degree to which survey results can be generalized to all residents of Orange County.** *The first line of the TCA news release on August 11th declares that “nearly 60% [sic] Orange County residents support plans to complete the last segment of the Foothill (241) Toll Road...” Similarly, the TCA’s August/September TCA Highlights newsletter opens with the declaration that “A majority of Orange County residents support plans to complete Foothill South...”*

Neither statement is accurate. While these statements imply that the survey was conducted with a random sample of County residents, it was actually conducted among only registered voters in selected cities. In fact, the survey only included

¹ Analysis of the survey is based on the information made available to the public by the Transportation Corridor Agencies.

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voters in the “South County area” and the cities of San Clemente, Anaheim, Orange, Tustin, Santa Ana, and Yorba Linda. As a result, the poll results are incapable of speaking to the attitudes of non-voters or those in other geographic areas of the County. While the true structure of the sample is disclosed in the third page of the news release, it is not disclosed in the newsletter article.

- **Several questions ask voters to choose between extreme positions that do not allow the voter to choose a more realistic middle ground.** For example, the survey forces voters to choose between the propositions that *“building roads and protecting the environment are incompatible”* and *“we can build roads in an environmentally sensitive way.”* Over 70 percent of respondents chose the second option. However, voters were not offered the opportunity to choose a more reasonable third alternative, such as *“in attempting to reduce traffic congestion, we should build only those road projects that will cause minimal harm to the environment.”*

Similarly, the survey asks voters to choose between the following two propositions *“building roads encourages housing development in areas that would not otherwise grow, so we should not build new roads”* or *“developers will build housing wherever they own land, so it is a good idea to build new roads so existing roads don’t become even more jammed.”* A majority of survey respondents chose the latter option. Again, however, the survey forces respondents to choose between absolute opposition to all road projects or support for them. It does not offer respondents the option of saying that *“we should only build new roads in cases where it has been clearly demonstrated that they will not harm water quality, open space, or encourage over-development.”*

- **The survey asks respondents if they would favor toll roads “to provide another option to the freeways,” but does not ask about other alternatives.** The information about the survey that has been released publicly emphasizes that over 60 percent of voters surveyed favor toll roads *“to provide another option to the freeways.”* Left unanswered is whether voters would offer similar support for other alternative transportation improvements – such as enhancements to public transportation or other road improvement projects. If these other ideas were positioned as *“another option to the freeways,”* it is likely that they would also be met with broad voter support or even greater support.
- **In presenting environmental positions, the survey used the word “conservancy” which is not an easily understood term.** For example, voters were asked if they agreed or disagreed with the statement, *“If an environmental impact report said that the road will have to travel through a portion of a land conservancy, I would not support building the road under any circumstance.”* According to the survey, between 40 percent and 51 percent of voters in each area agreed with this statement. This number would almost certainly have been larger had a “conservancy” been described as *“protected nature and wildlife land”* or *“a state park.”*

- **The survey did not take a balanced look at both sides of the toll road debate.** None of the messages tested against the toll road explored the strongest reasons for opposing it, including its impact on air pollution, land pollution, contamination of water, or wildlife. The messages also failed to address the specific impact on traffic development, open space, and parks and beaches. Last, the survey failed to address the cost of these toll roads and their financial instability – facts that would clearly influence support for the toll road. The failure of the messages to educate voters on this side of the debate produced a one-sided look at the issue.

Specifically, the survey should have presented key messages against the toll road, which would have explored points such as:

- The 16-mile long toll road will harm San Onofre State Beach Park (home to the famous Trestles surf breaks) – which attracts over one million visitors annually – by cutting through some of the last open space in South Orange County and one of the biggest state parks in California. In fact, the California Department of Parks and Recreation said the road will result in taking away the use of the majority of the park and may have significant direct and indirect impacts to park wetland, access, and visual resources.
 - The toll road will increase traffic, not decrease it, because it will act as a feeder road for the I-5, bringing the I-5 new traffic from new large developments.
 - The toll road will be right next to the San Mateo Creek and unavoidable polluted runoff from cars using the toll road would flow downhill into the creek and out to Trestles Beach. Heavy metals, petroleum products, high bacteria counts, and increased debris and litter will flow into the creek and ocean from the toll road.
 - The toll road will be funded by development impact fees and public money – not just private funds. Not only are these roads maintained by Caltrans, using public funds, but toll roads could require a taxpayer bail out if traffic projections prove wrong.
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- **In addition to failing to address some of opponents' biggest concerns, in presenting arguments from supporters and opponents, the poll presents more than twice as many arguments from supporters as opponents.** The poll presented respondents with nine arguments in favor of the toll road, and only four arguments against it.
 - **Even though the poll presented respondents with twice as many arguments in favor of the project as arguments against it (and failed to present the strongest arguments against it), opposition to the project increased after voters received**

more information. In the initial vote, 19 percent of Central Orange County voters opposed building the toll road. However, in the final vote, 34 percent did so – a 15-point increase. In South Orange County, 18 percent initially opposed it. In the final vote this number increased by 13-points, to 31 percent. There was less change in San Clemente, where familiarity and opposition was initially more substantial. Had the survey respondents actually received balanced pro and con arguments, we can only imagine that their opposition might have increased further.

Location	Initially Oppose	Oppose After Information	Change
Central County	19%	34%	+15%
South County	18%	31%	+13
San Clemente	36%	40%	+4

- **Public releases of survey results do not disclose a number of findings that show significant voter concerns about the toll road.** Among the survey results that the TCA chose not to highlight in public releases are the following:
 - A majority of Central County voters (51%) and a plurality of South County voters (47%) agreed that *“if an environmental impact report said that the road will have to travel through a portion of a land conservancy, I would not support building the road under any circumstances.”* As mentioned, this number would have been even higher had a more common term than “conservancy” been used to describe the land impacted by the road, such as “a state park.”
 - Majorities or pluralities (53% in San Clemente and Central County and 46% in South County) of voters agreed that *“the Foothill South will worsen sprawl by encouraging the development of 14,000 new homes in Rancho Mission Viejo.”*
 - A 51-percent majority of South County voters agreed that *“maintaining our unspoiled natural environment is more important than relieving traffic in Orange County.”* Central County voters were evenly divided, with 47% agreeing and 47% disagreeing.
 - Approximately two-thirds of voters in all areas believe that *“open space will be threatened”* if the Foothill South Toll Road is built.
 - Majorities or pluralities in each of the three areas believe that *“fish and wildlife will be endangered.”*

- **There was ample evidence in the survey to suggest modest, if not negative, views of Orange County's toll roads specifically.** While the press release stated that "*data consistently shows toll roads are viewed very positively in Orange County,*" the survey results actually show that voters gave the 91 Express Lanes low ratings, with just one-third of South and Central Orange County voters and 26 percent of San Clemente voters giving this toll road a positive rating. In fact, negative ratings outweigh positive reviews.

While two-thirds of those in South County gave the 241 a positive rating, under half of those in Central Orange County and just 52 percent of those in San Clemente did so.

Last, the 73 toll road received better ratings in San Clemente (62%), but more modest ratings in South Orange County (52%) and Central Orange County (43%). These results should not be interpreted as "very positive" as the press release suggests.

- **Moreover, the Transportation Corridor Agencies, or TCA gets weak ratings** (in part reflecting a lack of familiarity) – with no more than 28 percent saying they view it favorably. In fact, voters in San Clemente who were able to rate the TCA were divided in their view.

The better known Toll Road Agency fairs only slightly better, receiving nearly divided ratings in Central Orange County (35% favorable to 27% unfavorable) and only slightly more positive than negative ratings in San Clemente (42% to 30%) and South County (43% to 25%). Meanwhile, ratings for Caltrans and the Orange County Transportation Authority were much higher. In fact, the ratio of positive to negative ratings was much higher among these latter two organizations than the Toll Road Agency or TCA (by more than 3 to 1). This goes further to show that positive views of toll roads may not be as "consistently" positive as the press release would lead one to believe.

In summary, while the survey does show that there is some support for toll roads, the press release and TCA Highlights newsletter overstate the results in leaving out key findings suggesting that voters also clearly see deficiencies. The press release and TCA Highlights newsletter overstates the case for toll roads by not presenting a balanced review of the issues and the full case against the last segment of the Foothill 241 toll road.